

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:)	
)	
PATRIOT COAL CORPORATION, et. al.)	Case No. 12-51502-659
)	Judge Kathy A. Surratt-States
)	Chapter 11
Debtors.)	
)	
PATRIOT COAL CORPORATION,)	Adversary No. 13-4067-659
HERITAGE COAL COMPANY, LLC,)	
)	PUBLISHED
Plaintiffs,)	
)	
-v-)	
)	
PEABODY HOLDING COMPANY, LLC, and)	
PEABODY ENERGY CORPORATION,)	
)	
Defendants.)	

ORDER


The matters before the Court are the Complaint filed by Debtors Patriot Coal Corporation, *et al.*, Notice and Plaintiffs' Motion for Summary Judgment, Defendants' Motion to Dismiss, Defendants' Opposition to Plaintiffs' Motion for Summary Judgment and Plaintiffs' Opposition to Defendants' Motion to Dismiss. For the reason set forth in this Court's Findings of Fact and Conclusions of Law entered separately,

IT IS ORDERED THAT Plaintiffs' Motion for Summary Judgment on Count I - Declaratory Judgment (Declaration of Rights Under the NBCWA Liabilities Assumption Agreement) is **DENIED**; and

IT IS FURTHER ORDERED THAT summary judgment is **GRANTED sua sponte** as to Defendants and judgment on the Complaint is entered in favor of Defendants and against Plaintiffs; and the relief requested in Plaintiffs' Complaint is **DENIED** in that Plaintiffs' request that this Court declare that Peabody Holding's obligations with respect to the healthcare benefits owed to the

Assumed Retirees will not be affected by modification of the benefits of retirees of Heritage or Eastern Associated under Section 1114 is **DENIED**; and

IT IS FURTHER ORDERED THAT Defendants' Motion to Dismiss is **DENIED AS MOOT**; and this is the final judgment and order of the Bankruptcy Court in this case.



KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: May 29, 2013
St. Louis, Missouri

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